

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Pending before the Court is Movant Molycorp Minerals LLC’s motion to quash subpoena. Docket No. 1. Discovery conducted through non-party subpoenas is governed by Rule 45. *See, e.g., Paws Up Ranch, LLC v. Green*, 2013 WL 6184940, *2 (D. Nev. Nov. 22, 2013).¹ “Under the current version of the Rule, when a motion to quash a subpoena is filed in a court other than the court where compliance is required, that court lacks jurisdiction to resolve the motion.” *Agincourt Gaming, LLC v. Zynga, Inc.*, 2014 WL 4079555, at *3 (D. Nev. Aug. 15, 2014); *see also* Rule 45(d)(3)(A)-(B) (a motion to quash or modify a subpoena is directed to “the court for the district where compliance is required”).

In this case, the subpoena at issue requires compliance in Nevada. *See* Docket No. 1 at 71. Nonetheless, it appears that the parties subsequently agreed to allow Movant's compliance in Colorado. *See, e.g.*, Docket No. 1 at 86-87. It is unclear whether an amended subpoena was served to reflect this

¹ References to “Rules” refer to the Federal Rules of Civil Procedure.

1 new place of compliance. It is also unclear whether, in these circumstances, this Court has jurisdiction
2 to resolve a motion to quash.²

3 For these reasons, the motion to quash is hereby **DENIED** without prejudice. Any renewed
4 motion must be filed no later than July 27, 2015. Any renewed motion and any response thereto must
5 provide meaningful discussion explaining the parties' position as to whether this Court or the District
6 of Colorado possesses the jurisdiction to resolve the instant motion to quash.

7 IT IS SO ORDERED.

8 DATED: July 20, 2015

9 
10 NANCY J. KORPE
United States Magistrate Judge

27 ² It appears Movant has filed its motion in both this Court and in the District of Colorado. See
28 Docket No. 1 at 6 n.2.